

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 854

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLAY.

Read 1st time February 2, 1998, and 1,000 copies ordered printed.

Read 2nd time February 5, 1998, and referred to the Committee on Aging, Families and Mental Health.

Reported from the Committee February 23, 1998, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 11, 1998. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S3615.01P

## AN ACT

To repeal sections 333.041, 333.042 and 333.051, RSMo 1994, relating to funeral directing, and to enact in lieu thereof three new sections relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 333.041, 333.042 and 333.051, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 333.041, 333.042 and 333.051, to read as follows:

333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he is:

(1) At least eighteen years of age, and possesses a high school diploma or equivalent thereof;

(2) Either a citizen or a bona fide resident of the state of Missouri or entitled to a license under section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice funeral directing upon the grant of a license to do so; and

(3) A person of good moral character.

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is entering an accredited institution of mortuary science education shall register with the board as a student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his practicum for the accredited institution of mortuary science education. The forms for registration as a student and as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he:

(1) Is at least eighteen years of age, and possesses a high school diploma or equivalent thereof;

(2) Is either a citizen or bona fide resident of the state of Missouri or entitled to a license under section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice embalming upon the grant of a license to do so;

(3) Is a person of good moral character;

(4) Has graduated from an institute of mortuary science education accredited by the American Board of Funeral Service Education, or any successor organization recognized by the United States Department of Education, for funeral service education. If an applicant does not appear for the final examination before the board within five years from the date of his graduation from an accredited institution of mortuary science education, his registration as a student embalmer shall be automatically canceled;

(5) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(6) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an **[internship] apprenticeship** of not less than twelve

consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the [internship] **apprenticeship** period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the [internship] **apprenticeship** period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not appear for oral examination within the five years after his graduation from an accredited institution of mortuary science education, then he must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

333.042. 1. [Any person who desires to engage in the practice of funeral directing in this state shall register with the state board of embalmers and funeral directors. Such person shall pay the current registration fee. Applicants not entitled to a license under section 333.051 shall serve an internship for at least six months in a funeral establishment licensed for the embalming, care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his duties as an intern director under the supervision of a licensed funeral director.

2. The board shall administer a written examination to the applicants who complete the six-month internship pursuant to subsection 1 of this section. The examination shall test the applicant's knowledge of Missouri statutes, rules and regulations governing funeral directing and funeral home licensing, and government benefits, statutes, rules and regulations governing the care, custody, shelter and disposition and the transportation of dead human bodies.

3. If the applicant successfully completes the written examination, he shall register with

the board, pay the current registration fee and serve an apprenticeship for at least six months under the supervision of a licensed funeral director in a funeral establishment licensed for the embalming, care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his apprenticeship duties. Such applicant shall submit proof to the board, on forms provided by the board, that he has arranged and conducted ten funeral services under the supervision of a licensed funeral director. When the applicant completes the six-month apprenticeship, he shall appear before the board to be tested on his practical knowledge of funeral directing.] **Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. Applicants not entitled to a license under section 333.051 shall serve an apprenticeship for at least twelve months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be canceled.**

[4.] **2.** If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he shall successfully complete the written examination pursuant to subsection [2] **1** of this section; however, he is exempt from the six-month internship, six-month apprenticeship and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he may obtain a full funeral director's license if he fulfills the internship, apprenticeship and practical knowledge test requirements of [subsections 1 and 3] **subsection 1** of this section.

[5. If a licensed embalmer desires to enter the profession of funeral directing in this state,

he shall register with the board and pay the current registration fee. After registration, a licensed embalmer shall successfully complete the written examination pursuant to subsection 2 of this section and complete a six-month apprenticeship pursuant to subsection 3 of this section. The applicant shall then appear before the board to be tested on his practical knowledge of funeral directing.

6. Nothing in this section shall be construed as to require persons licensed to practice funeral directing on January 1, 1995, to serve an internship or apprenticeship.]

**3. If an individual is a Missouri licensed embalmer or has graduated from an institute of mortuary science education accredited by the American Board of Funeral Service Education or any successor organization recognized by the United States Department of Education for Funeral Service Education and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve month apprenticeship required by subsection 1 of this section.**

333.051. 1. Any nonresident individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his qualifications as is required by the board. No license shall be granted to a nonresident applicant except one who resides in a county contiguous and adjacent to the state of Missouri and who is regularly engaged in the practice of funeral directing or embalming, as defined by this chapter, at funeral establishments within this state or in an establishment located in a county contiguous and adjacent to the state of Missouri, unless the law of the state of the applicant's residence authorizes the granting of licenses to practice funeral directing in such state to persons licensed as funeral directors under the law of the state of Missouri.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state who is or intends to become a resident of this state may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his license showing the grade rating upon which his license was granted, together with a recommendation, and the board shall grant the applicant a license upon his successful completion of an examination over Missouri laws as required in section 333.041 **or section 333.042** if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state **[if] may,**

after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.

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